

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-CR-00010-RJC-DSC

THIS MATTER is before the Court upon the defendant's pro se Motion of Entrapment received and docketed as a letter on October 6, 2022.¹ (Doc. No. 82).

The defendant proceeded to jury trial on October 3, 2022, on charges related to drug distribution and firearms possession. (Doc. No. 17: Superseding Indictment). The jury returned unanimous verdicts finding the defendant guilty of possession with intent to distribute cocaine and cocaine base (Count Five) and possessing firearms as a felon (Count Seven), but did not reach unanimous verdicts on the remaining five counts involving alleged conspiracy and methamphetamine transactions. (Doc. No. 74: Verdict). After the Court declared a mistrial on the five unresolved counts, the government moved to dismiss them, electing to proceed to sentencing on the two counts with convictions. (Doc. No. 79: Motion; Doc. No. 84: Order).

In the instant motion, the defendant states “facts of entrapment” by claiming he was incarcerated during the time of the alleged conspiracy and that the government coerced its informant into making false statements. (Doc. No. 82:

¹ The defendant waived his right to counsel on September 13, 2022.

Motion at 1). “Entrapment is an affirmative defense consisting of two related elements: government inducement of the crime, and a lack of predisposition on the part of the defendant to engage in the criminal conduct.” United States v. McLaurin, 764 F.3d 372, 379 (4th Cir. 2014) (internal quotation marks omitted). The defendant did not seek to put on an entrapment defense at trial; thus, he forfeited the opportunity for the jury to decide the issue.

IT IS, THEREFORE, ORDERED that the defendant’s Motion of Entrapment, (Doc. No. 82), is **DENIED**.

Signed: November 15, 2022



Robert J. Conrad, Jr.
United States District Judge
